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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)

Service Rules for the 746-764 and)
776-794 MHz Bands, and Revisions to)
Part 27 of the Commission's Rules)

MAR 17 2000
WT Docket No. 99-168
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

AIRTOUCH COMMUNICATIONS, INC.
REPLY IN SUPPORT OF OPPOSITION TO PETITIONS FOR RECONSIDERATION

AirTouch Communications, Inc. ("AirTouch") hereby submits this brief reply in support of the opposition filed March 10, 2000 by Spectrum Exchange Group, LLC ("Spectrum Exchange"), to the petitions for reconsideration filed February 22, 2000 by the National Association of Broadcasters and the Association of Local Television Stations, Inc. in the above-captioned proceeding. In its opposition filing, Spectrum Exchange proposes that the Commission adopt a mandatory channel relocation rule under which incumbent broadcast stations in the 700 MHz band would be required, under certain circumstances, to move their operations to a lower channel during the digital television ("DTV") transition period. The Spectrum Exchange proposal may hold promise and therefore deserves further consideration by the Commission.

The licenses that the Commission is preparing to auction in the 746-764 and 776-794 MHz band (the "700 MHz licenses") hold tremendous potential for new services and for introducing new competition in the broadband services marketplace. AirTouch and others are legitimately concerned that this significant potential is threatened by the possibility of long-continued UHF television broadcast

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operations in this band. These incumbent broadcast operations, which are entitled to interference protection from new licensees, may be allowed to continue analog transmissions indefinitely. The resulting uncertainty regarding whether the 700 MHz licenses will be usable in many major markets devalues these licenses.

In its *First Report and Order* in this proceeding, the Commission stated that it “would consider specific regulatory requests needed to implement voluntary agreements reached between incumbent licensees and new licensees in these bands.”¹ AirTouch supports the Commission’s efforts in this area. As the Commission’s 700 MHz auction approaches, prospective bidders are preparing their business plans and looking for ways to enhance the prospect that such voluntary agreements can be reached and incumbent broadcast operations can be cleared from the 700 MHz band — sooner rather than later.

Adopting Spectrum Exchange’s proposed mandatory channel relocation rule would require further proceedings in this docket, and AirTouch urges the Commission to commence such proceedings as soon as possible. At this point, however, such a rule would appear to be good policy, legally permissible and consistent with Commission precedent.

Requiring a broadcast station in the 700 MHz band to switch its operations to a different channel, if another station in its market voluntarily agrees to early conversion to DTV-only broadcasts, will facilitate efficient use of the spectrum while also promoting the Commission’s goals with respect to the transition to DTV. Although broadcasters are not statutorily obligated to terminate analog transmissions until at least December 31, 2006, the law does not preclude them from making the transition to DTV sooner. Furthermore, when the public interest in facilitating new service dictates,

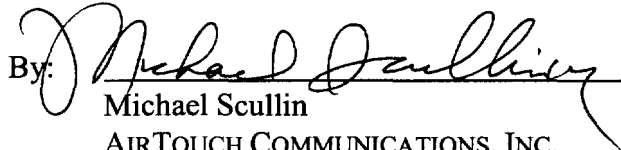
¹ *Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules, First Report and Order*, WT Docket No. 99-168, FCC 00-5 (released Jan. 7, 2000), 65 Fed. Reg. 3139 (Jan. 20, 2000), at ¶ 145.

the Commission has a long-standing policy of requiring incumbent broadcasters to change their channels of operation.²

For the new 700 MHz licenses to fulfill their promise of service in the public interest, the Commission should take all legally permissible actions to facilitate clearing incumbent broadcasters from this band. The Spectrum Exchange proposal for mandatory channel relocation deserves further consideration as a possible way of achieving this goal.

Respectfully submitted,

AIRTOUCH COMMUNICATIONS, INC.

By: 
Michael Scullin
AIRTOUCH COMMUNICATIONS, INC.
1818 N Street, N.W., Suite 800
Washington, D.C. 20036
(202) 293-4900

March 17, 2000

² See, e.g., Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Walla Walla and Pullman, Washington, and Hermiston, Oregon), *Report and Order*, 13 FCC Rcd 13342 (1998); Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ironton, Malden and Salem, Missouri), *Report and Order*, 13 FCC Rcd 6584 (1998); Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Spring Valley, Minnesota and Osage, Iowa), *Report and Order*, 12 FCC Rcd 15237 (1997); Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Parris Island and Hampton, South Carolina), *Report and Order*, 12 FCC Rcd 17331 (1997).

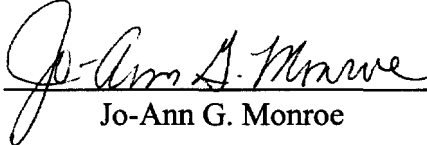
CERTIFICATE OF SERVICE

I, Jo-Ann G. Monroe, hereby certify that on this 17th day of March, 2000, copies of the foregoing "Reply in Support of Opposition to Petitions for Reconsideration of AirTouch Communications, Inc." in WT Docket No. 99-168 were served by First Class, United States mail, postage prepaid, to the following:

Peter Cramton, Chairman
Spectrum Exchange Group, LLC
4405 Holly Hill Road
Hyattsville, MD 20742

David L. Donovan
Vice President Legal & Legislative Affairs
Association of Local Television Stations, Inc.
1320 19th Street, N.W., Suite 300
Washington, DC 20036

Henry L. Baumann
Jack N. Goodman
Jerianne Timmerman
National Association of Broadcasters
1771 N Street, N.W.
Washington, DC 20036


Jo-Ann G. Monroe